



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Number: 3009494
Applicant: Michael Canatsey for Lianna Wingfield
Address of Proposal: 7999 44th Avenue Southwest

SUMMARY OF PROPOSED ACTION

Land Use Application to allow development coverage to exceed 9,000 sq. ft. in an Environmentally Critical Area (ECA). Project includes addition of a swimming pool with two structures accessory to a single family use. Project also includes a 1,209 sq. ft. expansion to an existing single family structure, landscaping and grading of approximately 911 cubic yards. No change in parking is proposed.¹

The following approval is required:

SEPA – Environmental Determination - (SMC Chapter 25.05).

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

****Early Notice DNS published March 26, 2009.**

¹ Project was originally noticed as: Land Use Application to allow development coverage to exceed 9,000 sq. ft. in an Environmentally Critical Area (ECA). Project includes a swimming pool with two structures accessory to a single family use. Project also includes a 1,411 sq. ft. addition to an existing single family structure, landscaping and grading of approximately 911 cubic yards. No change in parking is proposed

BACKGROUND DATA

Site and Vicinity Description

The subject site combines two parcels of land, comprising a total land area of approximately 64,562 square feet, in a West Seattle neighborhood overlooking Puget Sound. The development site is located within a Residential, Single Family 5,000 (SF 5000) zone.

The lot is located at the end of 44th Avenue SW in a quiet residential neighborhood. The existing single family structure is located near the site's southwestern corner, leaving the remaining area heavily vegetated with dense trees and shrubs. The lot slopes downward from east to west, approximately 117 over a distance of 430 feet.

Vehicular access to the subject lot is limited, due in part to the alignment of the street grid. The street right-of-way is improved with a hard surface roadway.



The site contains a designated Environmental Critical Areas (ECA); 40% Steep Slope, Potential Landslide, and two unmapped Wetlands areas. On March 23, 2009, DPD approved a request to exempt targeted areas of development from steep slope standards, with the condition that the owner maintains no activity within the non-disturbance zone as delineated on the survey.

The subject site is located in an expansive Residential, Single Family zone where single family structures dominate the immediate vicinity. A mixture of turn of the century and post World War II homes are found in abundance in this particular area. The area is located on the west side of an upward sloping hill, affording some properties with panoramic views of the Olympic Mountain Range. Dense vegetation and limited street access provides a sense of seclusion in the neighborhood community.

Proposal Description

The applicant proposes construction activity at the development site in two to three phases. Phase one will include construction of a swimming pool with two accessory structures in an area outside the buffer areas of 40% steep slope and wetlands. A temporary access bridge will be erected to minimize disturbance during construction, after which, a utility and pedestrian bridge will be constructed to maintain access between the pool and residence. The second phase includes expansion of the existing single family residence which cannot commence until after the phase one has been completed due to limited access because of the presence of ECA buffer areas. The two-story addition with daylight basement to the existing single family structure will increase the structure's footprint by 1,209 square feet. The last phase proposes removal and revegetation of trees and plants in environmentally critical (steep slope and wetlands) areas. The property will be replanted with native species to restore and stabilize the ECA.

Public Comments

Date of Notice of Application: March 26, 2009

Date End of Comment Period: April 8, 2009

Letters 0

Issues: No letters were received by DPD, during the public comment period that ended on April 8, 2009, and through to the time of decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 5, 2009) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. While these impacts are adverse, they are not expected to be significant.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The

Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Due to the fact that grading will be undertaken during construction, additional analysis is warranted.

Earth / Soils - The ECA Ordinance and Director's Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted a geotechnical engineering study prepared by Shannon and Wilson, (S&W) Inc. and dated March 5, 2009. The report assessed development of the addition to the single family structure, retaining wall system, swimming pool and two accessory structures outside the slope and buffer area, and construction of a bridge over drainage swale. Supplemental document dated May 7, 2009. The study and supplements have been reviewed DPD's geotechnical experts. After review of the documentation supplied by the applicant and supplemental information by S&W have been approved by DPD's geotechnical experts, who possess ample authority to condition construction and related activities to meet safety and other soils-related standards in the Building, Stormwater, Grading and Drainage Control Codes. DPD's geotechnical experts have determined an ECA Critical Areas Covenant will be required to allow construction to move forward. No additional conditioning is warranted pursuant to SEPA policies.

Water – The development site contained two unmapped Environmental Critical Areas Wetland (Section 25.09.020.C SMC), which was discovered at the development site's southwest quadrant during field reconnaissance activity. The discovery prompted the applicant to submit a Wetland Delineation Report, to determine type and allowable development outside the wetland and buffers areas. A site plan was prepared overlaying existing and proposed structures and proximity to wetland and buffer areas. A Wetland Delineation and Stream Assessment was prepared by S&W, Inc. and dated March 4, 2009, containing an assessment and conclusions concerning the proposed development.

The Wetland Delineation Report determined that the site consisted of two Wetland areas (A & B), a drainage swale, with no presence of on-site streams. Wetland "A" comprises an area of approximately 1,141 square feet and provides moderate to high water quality function with low habitat function. Wetland "B" encompasses an area of approximately 3,364 square feet and provide low water quality function and low habitat function. The drainage swale generally runs between the two wetlands then flows to a catchbasin that ultimately is presumed piped into the City's stormwater system. DPD's Wetland expert evaluated the assessment report and supplemental documentation and has approved the proposal subject to completion of an ECA Critical Areas Covenant prior to issuance. At the time plans are submitted for this work they will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will make any additional requirements as necessary prior to issuance of the grading and building permits. Therefore, no conditioning for grading activities in the steep slope area is warranted pursuant to SEPA policies.

Plants - Pursuant to ECA Ordinance (SMC 25.09.320), Trees and vegetation, the applicant has provided an arborist report, landscape plan, and supplemental documentation to upgrade two wetland areas with vegetation more ecologically appropriate plants. Native plants species will be added to the steep slope and buffers areas help enhance and stabilize the area. Hand tools will be used to remove invasive plants species and replant with specific species to enhance wetland and steep slope, and their buffer areas. DPD has analyzed the report prepared by Tree Solutions, dated March 2, 2009, and environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in the submitted documents, this construction activity will result in the removal of 11 total trees in the proposed building envelope area and the planting of 78 trees throughout the development site will cause adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Traffic - Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to reduce the supply of parking in the vicinity. Parking demand for construction personal can be accommodated at the development site and any spillover can be managed within the 44th Avenue SW right-of-way. Therefore, no further mitigation will be required.

Noise - The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions; increased surface water runoff from greater site coverage by impervious surfaces, increased demand for public services and utilities; increased height, bulk, and scale on the site, and increased project energy consumption. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development. These long-term impacts are not considered significant because the impacts are minor in scope.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

Prior to Issuance MUP

1. Submit an ECA covenant for steep slope, wetlands, and their buffer areas for recording.
2. Permanent visible markers shall be placed along the edge of the no disturbance area as approved on the site plan. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and indicate the purpose of the marker. Markers shall be placed at all points along the edge of the no disturbance line where the line changes direction. Markers must be in place before issuance of this Master Use Permit. Markers should be detailed in accordance with description contained in Director's Rule 3-94.

Prior to Issuance of any Permit to Grade or Construct

3. All recommendations from the geotechnical report regarding mitigation of erosion and potential landslide shall be followed, in addition to compliance with the provisions of the Development Standards for Steep Slope and Wetlands set forth in the Regulations for Environmentally Critical Areas (SMC 25.09.060, 25.09.160 and 25.09.180) outlined in the analysis above.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

4. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 6:00 PM. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work (e.g., installation of landscaping) after approval from the Land Use Planner. After the structures are enclosed, interior work may proceed at any time in compliance with the Noise Ordinance. The department may modify this condition to allow work which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

For the Life of the Project

5. The applicant must monitor the health of the plants installed during the revegetation. Any declining or dead plants must be replaced with like species.

Signature: _____ (signature on file) Date: June 8, 2009
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

BW:lc

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